S.B.CIVIL WRIT PETITION NO.3374/2003

The Rajasthan State Ganganagar Sugar Mills Ltd.

Versus

State of Rajasthan & Ors.

DATE OF ORDER :: 25th July, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. V.K.Agarwal, for the petitioner.
Mr. R.S.Saluja, for the respondents.

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The award dated 17.9.2001 passed by Industrial Tribunal-cum-Labour Court, Sriganganagar in Industrial Dispute Case No.8/1999 is questioned by the petitioner employer by way of filing instant petition for writ.

By the award impugned learned Judge, Industrial Tribunal-cum-Labour Court, Sriganganagar while answering the reference made by appropriate government under a notification dated 24.2.1992, held that workman Gurbux Singh is entitled to get fixation of his pay in the pay scale of Rs.125-171 from the year 1980 as it was accorded to other junior workmen viz. Sahdev Singh and Gorakhnath Singh.

While giving challenge to the award impugned it is contended by counsel for the petitioner that the respondent workman never opted for pay scale of

Rs.125-171, therefore, the same was not given to him. To substantiate the contention, counsel for the petitioner has placed reliance upon the statement of the workman himself wherein he has said that he did not opt for the pay scale concerned. According to counsel for the petitioner an option of the pay scale was necessary under the Sugar Wage Board.

Heard counsel for the parties.

The claim of the workman rest upon the contention of discrimination made by the petitioner vis-a-vis one other workman Shri Gorakhnath Singh to whom the pay scale of Rs.125-171 was given from the year 1980. Learned Tribunal in quite unambiguous terms reached at the conclusion that Shri Gorakhnath Singh was quite junior than the respondent workman and, therefore, Shri Gurbux Singh could not be subjected to a lower pay than Shri Gorakhnath Singh. An important fact is that at one point of time the claim of Shri Gorakhnath Singh was also not accepted by the employer but subsequently the pay scale of Rs.125-171 was given to him. It is true that the respondent workman did not opt for the pay scale concerned but when it has been given to his juniors, there is no just and valid reason for denial of the same to him.

In totality of the facts and circumstances of the case I do not find any error in the award impugned

which may warrant interference of this Court under Articles 226 and 227 of the Constitution of India. The petitioner is required to make fixation of the pay of the respondent workman in the pay scale of Rs.125-171 from the date it was allowed to Shri Gorakhnath Singh with all other benefits as ordered by the award impugned.

The writ petition is disposed of accordingly.

(GOVIND MATHUR),J.

kkm/ps.